

BYLAW NO. 34-2009
PARKLAND COUNTY

BEING A BYLAW OF PARKLAND COUNTY
TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

AMENDED
by By-law No. 08-2012

AMENDED
by By-law No. 2013-24

WHEREAS Section 627 of the Municipal Government Act. Revised Statutes of Alberta, 2000, Chapter M-26, as amended, provides that a council must, by bylaw, establish a Subdivision and Development Appeal Board; and

WHEREAS the Council of Parkland County wishes to amend the terms and conditions of Bylaw No.40-2005;

NOW THEREFORE the Council of Parkland County duly assembled, enacts as follows:

1. Definitions

In this Bylaw:

- a) "Act" means the Municipal Government Act, and amendments thereto.
- b) "Board" means the Subdivision and Development Appeal Board of the Parkland County established pursuant to this Bylaw;
- c) "Council" means the Council of Parkland County;
- d) "County" means Parkland County;
- e) "Members" means the members of the Subdivision and Development Appeal Board duly appointed pursuant to this Bylaw;
- f) "Recording Secretary" means the person acting as Recording Secretary of the Development Appeal Board;
- g) "Secretary" means the person acting as Secretary of the Subdivision and Development Appeal Board;
- h) All other terms in this Bylaw shall have the meaning assigned to them by the Act to the extent that the said meaning differs from the ordinary means of such terms.

2. Establishment of Board

- a) A Subdivision and Development Appeal Board is hereby established;

3. Board Members and Terms of Office

- a) The Board shall consist of three (3) residents at large who shall be appointed by resolution of Council and three (3) members of the County Council. At no time shall there be more Councilors than residents at large. One or more alternate residents at large shall be appointed, being able to sit on the Board on an as needed basis only in the absence of one or two of the three regular residents at large. An alternate resident at large appointment may be term-specific, or open ended, and it does not negate the eligibility of the person(s) so appointed to re-apply for appointment as a full resident at large once eligible to do so.
- b) Those members of the Board representing the County Council shall be appointed at the annual Council organizational meeting.

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- c) The residents at large shall be appointed for a period of three years. Readjustment of a period of appointment may be made as required by resolution of Council. The term of membership shall commence in January following appointment and shall terminate in December of the third year.
- d) The residents at large may be appointed for a maximum of two consecutive full terms.
- e) In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the term concerned in the vacancy that has arisen.
- f) All residents at large shall take the Oath of Acknowledgement of Terms of Appointment as required by County policy.
- g) All members shall remain in office until their respective successors are appointed.
- h) Council shall be at liberty to remove and replace any member of the Board at any time prior to the expiry date of the member's term of office, and any member of the Board may resign therefrom at any time upon sending a written notice to Council.
- i) Any member of the Board who is absent from three consecutive meetings of the Board shall (unless such absence is caused through illness or he/she is authorized in resolution of the Board entered upon its minutes) forfeit his/her place for the remainder of that term of office.
- j) Any member of the Board who is chosen from the public at large shall, upon ceasing to be a resident of the County cease also to be a member of the Subdivision and Development Appeal Board.

4. Functions, Powers and Duties of the Board

- a) The Board shall hear all appeals from decisions of the Development Authority and Subdivision Authority of the County, pursuant to the requirements of the Act.
- b) The Board shall conduct itself in accordance with all provisions set out in Part 5 of the Municipal Government Act and Part 17 of the Municipal Government Amendment Act.
- c) In determining an appeal, the Board must have regard to all applicable statutory plans, the Subdivision and Development Regulations; must be consistent with the provincial Land use Policies; and, must conform with the uses of land referred to in the County's Land Use Bylaw.
- d) The Board may accept any oral or written evidence that it considers appropriate.

5. Procedures and Conduct

- a) At the first meeting following the Council organizational meeting, the Board shall appoint a Chairman and Vice Chairman.
- b) In the absence of both the Chairman and Vice Chairman, those members in attendance at a meeting may appoint an Acting Chairman from amongst those in attendance.
- c) The Secretary of the Board shall be that person employed in the capacity of Manager of Planning and Development Services within the Administrative staff complement of the County. In the absence of the Manager of Planning and Development Services, those persons employed in the capacity of Senior Planners within the Administrative staff complement of the County shall act as the Secretary of the Board regarding development matters and the Senior Development Officer regarding subdivision matters.

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- d) The Recording Secretary of the Board shall be that person employed in the capacity of either the Development Clerk or Planning Clerk within the Administrative staff complement of Parkland County.
- e) The Recording Secretary shall cause to be kept minutes of each meeting of the Board and shall prepare an agenda for each meeting of the Board.
- f) The Secretary shall carry out such other duties as may be designated by the Board from time to time. An order, decision, approval, notice or other thing made or given by the Board shall be signed on its behalf by the Secretary of the Board.
- g) The Secretary may also direct and delegate, in the Secretary's absence, persons employed in other capacities in the Planning & Development department to carry out certain duties of the Secretary.
- h) Two (2) County Council members and two (2) residents' at large members shall constitute a quorum at any meeting. At no time shall there be more Council members than resident at large members.
- i) The Regular Meeting of the Board shall be held at the times and places determined by the Board.
- j) Any Special Meetings of the Board may be called by the Chairman or Vice Chairman at a place and time appointed by the Chairman or Vice Chairman. Notice of such meeting to be given at least five (5) days in advance or any shorter period in which case all members are required to be present to sign waiver of the required five (5) days notice.
- k) Decisions of the Board shall be made by way of motions carried by a simple majority vote of the Board members present at the Hearing. In the event of a tie vote, the motion shall be lost and the existing decision of either the Development Authority (regarding Development Permits or Stop Orders) or the Subdivision Authority (regarding Subdivision applications) shall stand and thus become the decision of the Board.

6. Conflict of Interest

- a) Any member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of Sections 169 through 173 of the Municipal Government Act, as amended.
- b) Any member of the Board who fails to comply with Section 6 (a) above, is disqualified from remaining a member of the Board.

7. Remuneration and Traveling Expenses

- a) The members of the Board shall be paid such honoraria and expenses for attending meetings as the Council by policy may authorize.

8. Fees

- a) The fee to be paid by an appellant for filing an appeal with the Subdivision and Development Appeal Board shall be as per the Fees and Charges schedule approved by Council as part of Parkland County's Capital and Operating budget.

9. Bylaw Repeal

Subdivision and Development Appeal Board Bylaw 40-2005 is hereby rescinded.

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THIS BYLAW WILL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF PASSING AND SIGNATURE THEREOF.

READ A FIRST TIME THIS 22nd DAY OF SEPTEMBER, 2009

READ A SECOND TIME THIS 22nd DAY OF SEPTEMBER, 2009.

READ A THIRD TIME by unanimous consent of the Councilors present and finally passed this 22ND DAY OF SEPTEMBER, 2009.

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Mayor

Manager, Legislative and Administrative Services